



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,827	07/16/2003	Kenneth McClintock	24168067.5	1255
7590 12/19/2005				
KENNETH MCCLINTOCK		EXAMINER		
13740 MIDWAY #607		BUI, LUAN KIM		
DALLAS, TX 75244				
		ART UNIT	PAPER NUMBER	
		3728		
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.



***Drawings***

1. The drawings were received on 11/9/2005. These drawings are not approved for entry because pages 3-5 out of 5 pages of drawings content new matter since the Examiner can not determine the contents of those drawings and since there are no amendments to the specification related to those pages 3-5. Applicant is required to delete pages 3-5 from the application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, 11 and 17 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Nava et al. (6,302,288; hereinafter Nava'288). Nava'288 discloses a system for storing a promotional item comprising a container (8) having an openable orifice (12) on a portion of the container, a cover piece (14) removably coupled over the orifice and the cover piece creating an enclosed storage space between the openable orifice and the cover piece and a promotional item such as a media disc (16) housed in the enclosed storage space (Figures 1-3). Nava'288 further discloses the cover piece is opaque (column 11, lines 36-42). Claims 11 and 17 are anticipated by the method of using the system of Nava'288.

Art Unit: 3728

4. Claims 1, 2, 6, 7, 9, 11, 12, 16, 17 and 19 are finally rejected under 35 U.S.C. 102(e) as being anticipated by Grul et al. (2004/0050724; hereinafter Grul'724). Grul'724 discloses a system for storing a promotional item comprising a container such as a soft-drink can (50) having an openable orifice on a portion of the container, a cover piece (51) removably coupled over the orifice and the cover piece creating an enclosed storage space between the openable orifice and the cover piece and a promotional item (52) housed in the enclosed storage space (Figures 5-11). As to claims 2, 6, 7 and 9, Grul'724 further discloses the cover piece is opaque (page 5, paragraph 0096), the promotional item comprises computer games and the cover piece comprises a pull-tab (57, 77). Claims 11, 12, 16, 17 and 19 are anticipated by the method of using the system of Grul'724.

5. Claims 1, 2, 6-9, 11, 12 and 16-19 are finally rejected under 35 U.S.C. 102(e) as being anticipated by Falkenberg et al. (2002/0144913; hereinafter Falkenberg'913). Falkenberg'913 discloses a system for storing a promotional item comprising a container such as a soft-drink can (1) having an openable orifice (8) on a portion of the container, a cover piece (5) removably coupled over the orifice and the cover piece creating an enclosed storage space between the openable orifice and the cover piece and a promotional item (10) disposed within a pouch (25) housed in the enclosed storage space (Figures 1 and 8). Falkenberg'913 further discloses the promotional item comprises coupons or others (page 2, paragraph 0019) and the cover piece comprises a pull-tab (7). Claims 11, 12, 16-19 are anticipated by the method of using the system of Falkenberg'913.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5, 8, 10, 13-15 and 20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Grul et al. (2004/0050724; hereinafter Grul'724) or Falkenberg et al. (2002/0144913; hereinafter Falkenberg'913) in view of Fiala et al. (2003/0004889; hereinafter Fiala'889). Grul'724 or Falkenberg'913 discloses the system for storing the promotional item as above having all the limitations of the claims except for the promotional item comprises an internet address printed thereon. Fiala'889 teaches a system for storing a promotional item comprising a package (1.20, 1.66, 1.68) for holding a CD (1.62) and a card (1.78) having an internet address printed thereon to direct the user to an internet address that the product may be registered (Figure 1). It would have been obvious to one having ordinary skill in the art in view of Fiala'889 to modify the system of Grul'724 or Falkenberg'913 so the promotional item comprises an internet address printed thereon or the cover comprises an internet address printed thereon that associated with an internet site of an entity related to the promotional item to allow the system for promoting various types of items and to allow visual access to the internet address printed on the cover piece. As to claim 5, Falkenberg'913 discloses the cover piece comprises promotional material on an exposed side of the cover piece (Figure 1). Claims 13-15 and 20 are drawn to the obvious method of using the system of either Grul'724 or Falkenberg'913 as modified.

***Response to Arguments***

Applicant's arguments filed on 11/9/2005 have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to the rejections in the response are noted. They are not persuasive because the claims as recited read on the prior art as indicated. It appears to the Applicant that the prior art used in the rejections may be different from the Applicant's invention, but the claims are rejected not the specification.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Art Unit: 3728

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370. **Facsimile correspondence for this application should be sent to (571) 273-8300 for Formal papers and After Final communications.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

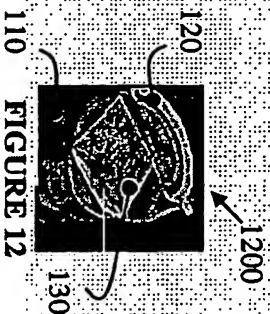
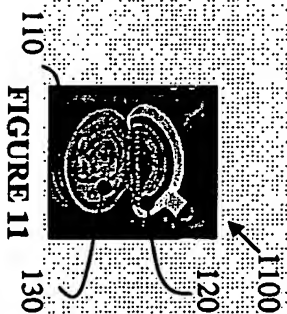
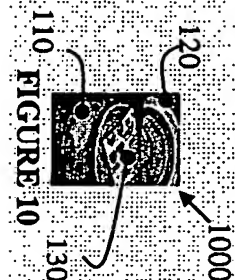
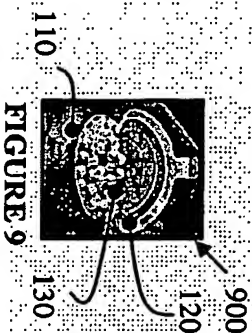
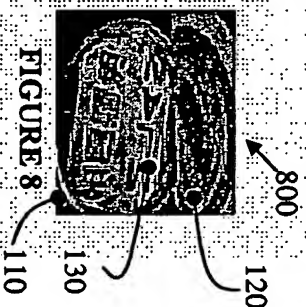
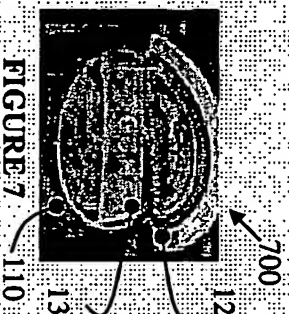
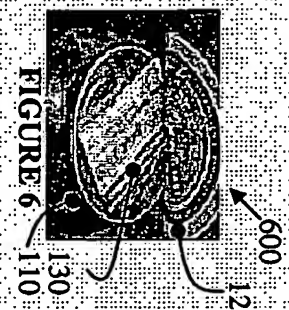
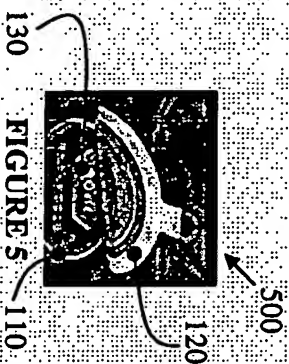
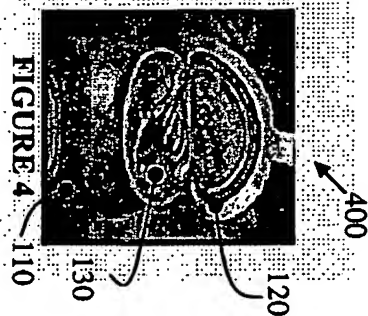
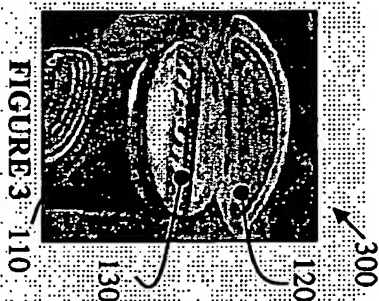
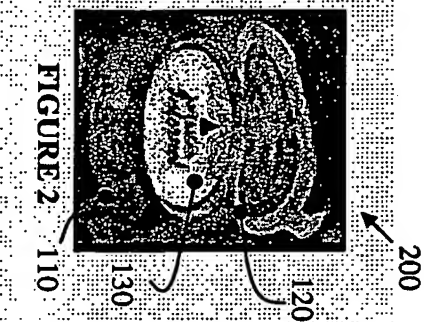
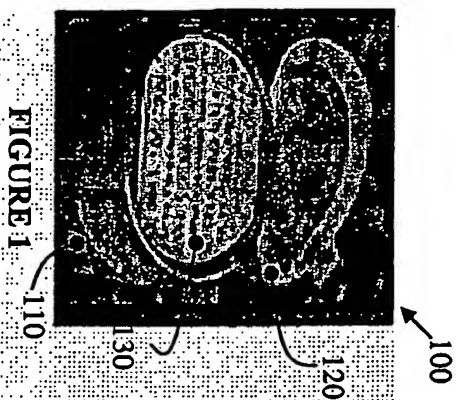
lkb  
December 14, 2005



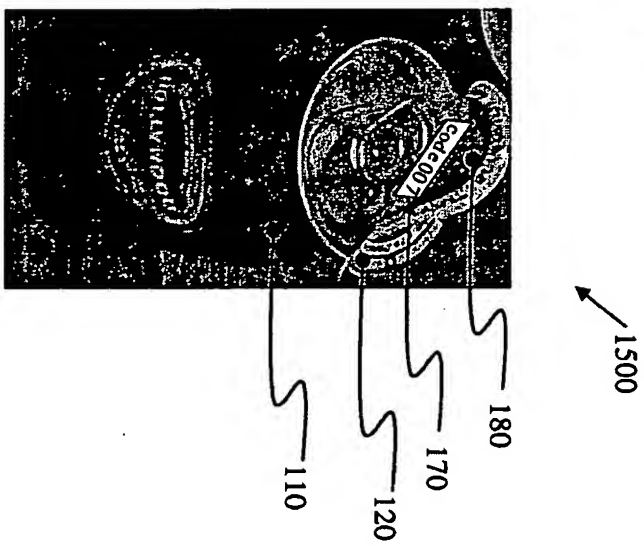
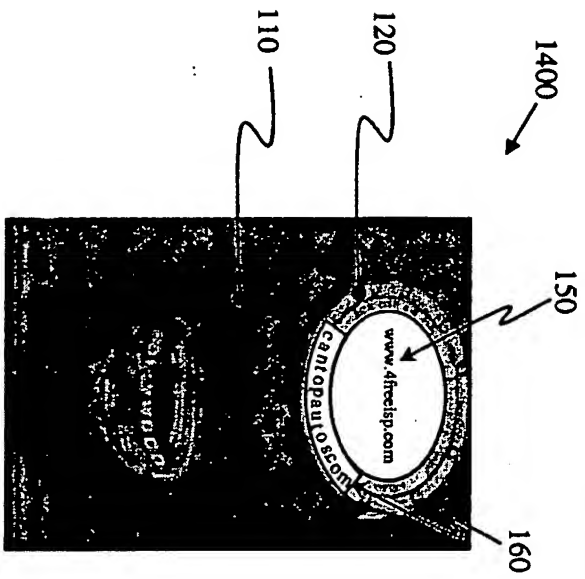
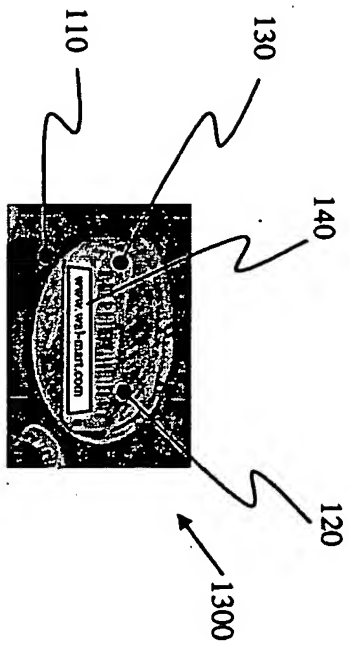
Luan K. Bui  
Primary Examiner



BEST AVAILABLE COPY



09/4/12 12/14/05  
KB  
ENTRY. NOT APPROVED FOR



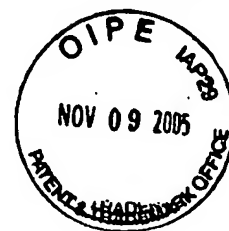
APPLICATION #10.620/827

CAN TOP PRODUCT STORAGE and RELATED METHODS of STORING PRODUCTS

INVENTOR: MCCLINTOCK

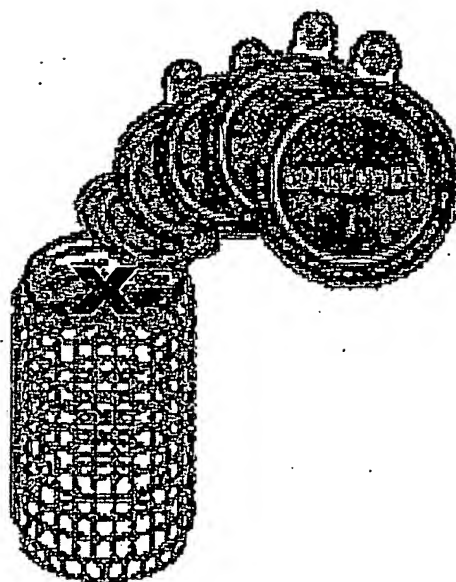
(IN SAMPLING USE BY MCCLINTOCK / NOVEMBER OF 2002)

CLAIM FILED BY MCCLINTOCK 07/16/03

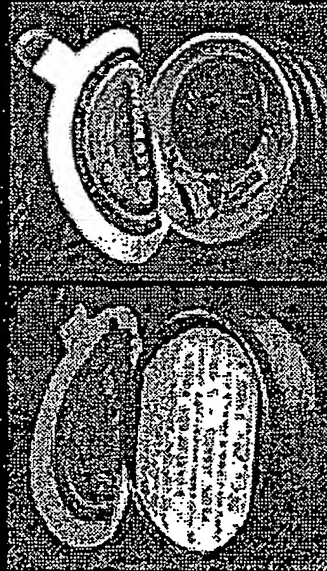


PRODUCT STORAGE  
UNDER CAN TOP LABEL

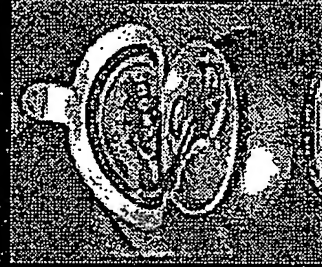
PRODUCT STORAGE UNDER LABEL



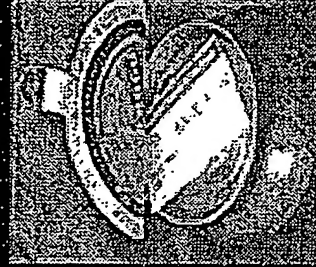
CanTopConcert.com  
CanTopTickets.com



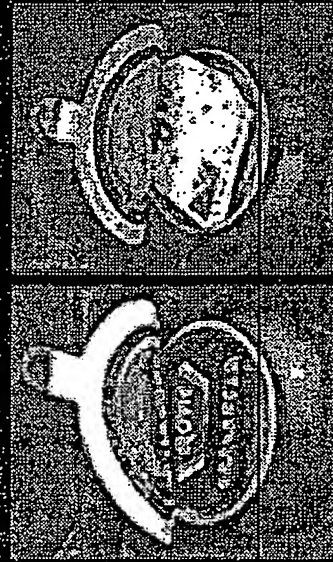
CanTopAutos.com  
AutoCans.com



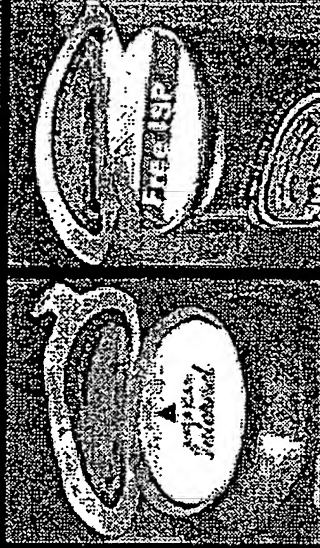
CouponCans.com  
CanTopCoupons.com



CanTopFilms.com  
MovieCaps.com



4FreeISP.com  
CanTopISP.com



Advercaps allow vendors to  
distribute samples, notices,  
coupons, subscriptions, contests  
and prizes under the label.

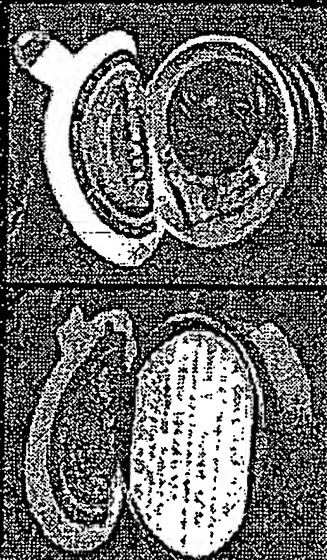
\*There can be TOP PRINT, BACK SIDE PRINT, and UNIDIRECTIONAL  
SEAL deliveries. This will allow 4 or more complete surfaces  
for advertisements and beverage company promotions.  
Each surface may include 2 or more marketing tie ins.



IMAGES FOR 10/620/827

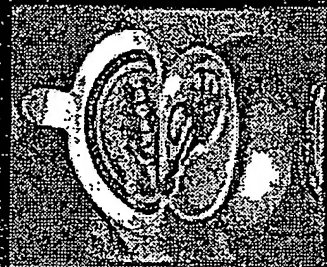
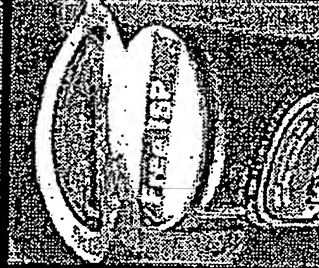
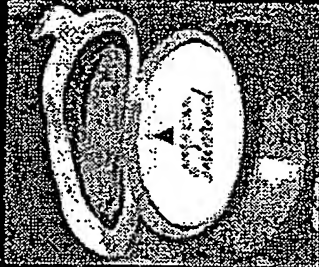
Best Available Copy

CanTopConcert.com  
CanTopTickets.com

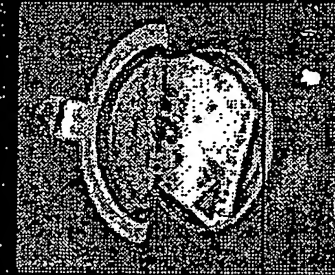
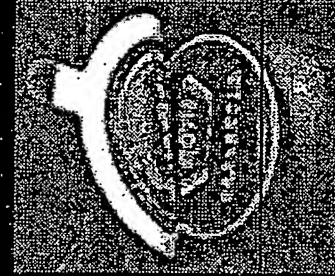


CanTopAutos.com  
AutoCans.com

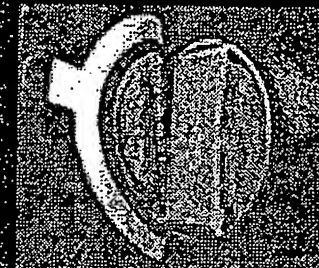
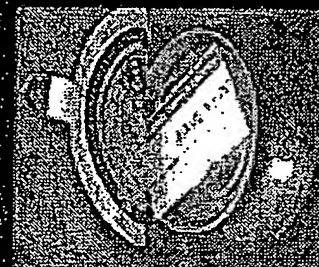
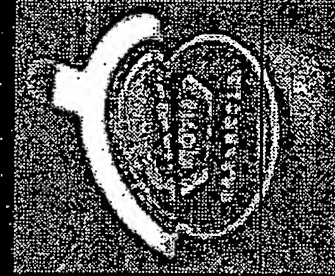
4FreeISP.com  
CanTopISP.com



CouponCans.com  
CanTopCoupons.com



CanTopFilms.com  
MovieCaps.com



Advercaps allow vendors to  
distribute samples, notices,  
coupons, subscriptions, contests  
and prizes under the label.

\*There can be TOP PRINT, BACK SIDE PRINT, and UNDER  
SEAL deliveries. This will allow 4 or more complete surfaces  
for advertisements and beverage company promotions.  
Each surface may include 2 or more marketing tie ins.

IMMAGES FOR 10/620/827

BEST AVAILABLE COPY